

Application No. 10/622,407  
Amendment dated November 20, 2006  
Reply to Office Action of June 20, 2006

Docket No.: 0101735434B

AMENDMENTS TO THE CLAIMS

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This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-12. (canceled)

13. (Previously presented) An isolated polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 8 or SEQ ID NO: 10.

14. (Currently amended) An isolated polypeptide comprising an amino acid sequence selected from the group consisting of:

(a) ~~— a mature amino acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10, comprising a mature amino terminus at residue 1;~~

(b) ~~— a mature amino acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10, further comprising an amino-terminal methionine;~~

(c) ~~— an amino acid sequence of an ortholog of a protein comprising a sequence of SEQ ID NO: 8 or SEQ ID NO: 10, wherein the polypeptide has an activity of the protein having the amino acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10;~~

(d) ~~— an amino acid sequence that is at least 70 percent identical to the amino acid sequence of SEQ ID NO: 8 or SEQ ID NO: 10, wherein the polypeptide has an activity of a protein having the amino acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10;~~

(e) ~~an amino acid sequence that is a fragment of the amino acid sequence set forth in SEQ ID NO: 8 amino acids 1-170 of SEQ ID NO: 8 or SEQ ID NO: 10 comprising at least 25 amino acid residues, wherein the polypeptide specifically binds TRAIL, has an activity of a protein having the amino acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10; and~~

(f) ~~— an amino acid sequence of an allelic variant or splice variant of either the amino acid sequence as set forth in SEQ ID NO: 8, SEQ ID NO: 10, or any one of (a)-(d), wherein the polypeptide has an activity of a protein having the amino acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10.~~

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15-39. (Canceled)

40. (Currently amended) A composition comprising the isolated polypeptide of any one of claims 13, 70-75 or 76 ~~44, or 45~~, and a pharmaceutically acceptable formulation agent.

41. (Original) The composition of claim 40 wherein the pharmaceutically acceptable formulation agent is a carrier, adjuvant, solubilizer, stabilizer, or anti-oxidant.

42-48. (Canceled)

49. (Currently amended) A fusion polypeptide comprising the isolated polypeptide of any one of claims 13, 70-75 or 76 ~~44, or 45~~ fused to a heterologous peptide.

50. (Original) The fusion polypeptide of claim 49 wherein the heterologous amino acid sequence is an IgG constant domain or fragment thereof.

51-63. (Canceled)

64. (Currently amended) A polypeptide produced by a process comprising culturing a host cell comprising a nucleic acid encoding the polypeptide under suitable conditions to express the polypeptide, wherein the nucleic acid comprises a nucleotide sequence selected from the group consisting of:

- (a) a nucleotide sequence as set forth in SEQ ID NO: 7 or SEQ ID NO: 9;
- (b) a nucleotide sequence encoding a polypeptide having the amino acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10; and
- (c) ~~a nucleotide sequence encoding amino acids 1-170 of SEQ ID NO: 8, a nucleotide sequence of a hybridizable polynucleotide that hybridizes under moderately stringent conditions to the complement of a polynucleotide comprising the nucleotide sequence of (a) or (b), wherein the hybridizable polynucleotide encodes a polypeptide that has an activity of a protein having the amino~~

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~~acid sequence as set forth in SEQ ID NO: 8 or SEQ ID NO: 10 and further wherein said moderately stringent conditions comprise 0.015M NaCl and 0.0015M sodium citrate at 50°C.~~

65-69. (Canceled)

70. (New) An isolated polypeptide comprising an amino acid sequence encoded by a nucleotide sequence set forth in SEQ ID NOs: 7 or 9 or an amino acid sequence that is at least 92% identical to the amino acid sequence set forth in SEQ ID NOs: 8 or 10.

71. (New) An isolated polypeptide according to claim 70, wherein said polypeptide is capable of binding TRAIL.

72. (New) An isolated polypeptide according to claim 70, wherein said polypeptide is a TNF-receptor family member capable of binding TRAIL.

73. (New) An isolated polypeptide according to claim 70, wherein said polypeptide inhibits apoptosis.